

I2f6tanc

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 ANDREA TANTAROS,

4 Plaintiff,

5 v.

17 CV 2958 (GBD)

6 FOX NEWS NETWORK, LLC, et al.,

7 Defendants.

8 -----x

New York, N.Y.
February 15, 2018
9:50 a.m.

10 Before:

11 HON. GEORGE B. DANIELS,

12 District Judge

13 APPEARANCES

14
15 ANDREA TANTAROS, pro se

16 DECHERT, LLP

Attorneys for Defendants Fox News

17 BY: ANDREW J. LEVANDER

LINDA C. GOLDSTEIN

18 THOMPSON & KNIGHT, LLP

Attorneys for Defendant Shine

19 BY: ANDY S. OH

MARION J. BACHRACH

20
21 GIBSON DUNN & CRUTCHER, LLP

Attorneys for Defendant Snyder

22 BY: MICHAEL S. MARRON

MYLAN L. DENERSTEIN

I2f6tanc

(In open court; case called)

THE LAW CLERK: Beginning with the plaintiff, state your name for the record.

MS. TANTAROS: Andrea Tantaros.

THE COURT: Good morning, Ms. Tantaros.

MS. TANTAROS: Good morning.

MR. LEVANDER: Andrew Levander and Linda Goldstein from Dechert.

MS. BACHRAH: Good morning, your Honor. Marion Bachrach and Andy Oh for Mr. Bill Shine.

MS. DENERSTEIN: Good morning. Mylan Denerstein and Mike Marron from Gibson Dunn for Peter Snyder and Disruptor, Inc.

THE COURT: Good morning.

I wanted to talk about an efficient way to proceed at this point given the changes that I have been notified of. I issued two orders recently. I was informed that Ms. Tantaros was going to proceed pro se and I relieved the attorneys who asked to be relieved.

First of all, Ms. Tantaros, I want to make sure that it is your intention to proceed without counsel in this case?

MS. TANTAROS: Yes.

THE COURT: I think I sent you a copy of a notice of pro se appearance. We'll need some contact information so we

I2f6tanc

1 can send correspondence or contact you if need be.

2 MS. TANTAROS: Thank you, sir. I received it and I
3 will submit it.

4 THE COURT: Before I move on, obviously I don't know
5 if your previous attorneys discussed with you the obligations
6 in terms of that you are trying to litigate this case on your
7 own. Obviously there will be court appearances like this.
8 There will be discovery that you will have to engage in --
9 depositions, production of documents, and those types of
10 things. So you'll have to commit yourself to devoting that
11 time and effort personally to this case as we move forward.

12 MS. TANTAROS: Understood.

13 THE COURT: I issued a second order. I granted
14 Ms. Tantaros's request to file her pro se complaint. I
15 dismissed the underlying complaint. I also issued an order
16 laying out a schedule for the parties -- for the defense if
17 they wish to move against that complaint.

18 As I indicated within that order, obviously I have
19 numerous documents, papers already submitted many of which are
20 already address a number of the issues that defendants wanted
21 to address with regard to motion to dismiss. Although I set a
22 schedule giving the defendants an opportunity to file further
23 submissions or substitute submissions by March 1st, I indicated
24 I am willing to consider the motions that were already made
25 with any other supplement by letter or otherwise if the parties

I2f6tanc

1 wish to proceed that way. My understanding is that defense
2 wants to move against this complaint and I have set out a
3 schedule for doing that.

4 Before we discuss that further, let me turn to the
5 defense and let see how you want to proceed and what issues
6 that you want to raise at this point, if any.

7 MR. LEVANDER: Your Honor, we'll seek to move to
8 dismiss. I think it will be much more efficient frankly to
9 file new papers given the changes that are significant in the
10 amended complaint. There is a failure state a claim on
11 numerous grounds, some of which the Court is already familiar
12 with and some of which are new given the slightly changed view;
13 but I think we'll try to be as concise and precise as we can.

14 THE COURT: That is the view as to all the defendants?

15 MR. LEVANDER: Yes, your Honor.

16 MS. BACHRAH: Yes, your Honor.

17 MS. DENERSTEIN: Yes, your Honor.

18 THE COURT: I am going to anticipate the papers on
19 that schedule that I laid out. I will anticipate a renewed
20 motion by March 1st. Ms. Tantaros Can respond by March 23rd
21 and any replies by April 6th.

22 We had originally had a March 1st date and I received
23 a letter from Ms. Bachrach telling me that was an inconvenient
24 date. Since we're going to have new motions anyway. I think
25 Ms. Bachrach suggested April 26th you were available.

I2f6tanc

1 MR. BACHRAH: Yes, your Honor, and the other counsel
2 were too if that affords with the Court's schedule of course.

3 THE COURT: Ms. Tantaros, April 26th, can you be
4 available?

5 MS. TANTAROS: I am not available at that time.

6 THE COURT: Are you available that week?

7 MS. TANTAROS: I am available two weeks prior, the
8 10th.

9 THE COURT: That is probably too soon. I would have
10 only gotten the full set of papers on the 6th. I will not have
11 had an opportunity to read all the papers. I will need a later
12 date than that.

13 MS. TANTAROS: Okay.

14 THE COURT: Is there any other convenient dates in
15 April?

16 MS. TANTAROS: I would say the 19th perhaps.

17 THE COURT: April 19th.

18 MR. BACHRAH: That's fine for me, your Honor.

19 MR. DENERSTEIN: That does not work for us, your
20 Honor.

21 MS. TANTAROS: Your Honor, I would like to point out I
22 find it very insufficient for Ms. Bachrach to request
23 postponement of two months of this hearing since defense
24 counsel has been so insistent on keeping the March date. I
25 also think her reasoning for the adjournment to attend an

I2f6tanc

1 out-of-town conference is insufficient.

2 THE COURT: I am considering greater issues than that.
3 Quite frankly it would be a waste of your time and everyone
4 else's time on March 1st because I wouldn't have any papers
5 submitted.

6 MS. TANTAROS: I understand there is an extension.

7 THE COURT: I am trying to set a date that is
8 convenient for everyone, accommodating yours and their
9 schedule, that will give me the opportunity to at least read
10 the papers before I either hear from you further or decide that
11 motion. Obviously the next step after the motions were filed
12 is for me to decide that motion. If that motion is granted,
13 the case will be dismissed. If the motion is denied, then we
14 move forward to the next step. The next step cannot happen
15 until I decide that motion. Given all the parties, I wanted to
16 try to accommodate their schedules and your schedule and make
17 sure that when I say you have to take time to come to court,
18 they we're going to accomplish something and not just
19 inconvenience you or any of the others.

20 So what about the 18th instead of the 19th?

21 MR. DENERSTEIN: We're still not available that day.
22 I apologize.

23 THE COURT: Give me a Tuesday, Wednesday, Thursday
24 that you say that you are available.

25 MR. DENERSTEIN: I don't have a calendar in front of

I2f6tanc

1 me. I don't know what the 14th, 15th, 16th are in terms of the
2 dates.

3 THE COURT: Saturday, Sunday, Monday.

4 MR. DENERSTEIN: That doesn't work.

5 THE COURT: 17th or the 24th?

6 MR. DENERSTEIN: Yes, your Honor.

7 THE COURT: Both?

8 MR. DENERSTEIN: Yes, your Honor.

9 THE COURT: Anyone not available on one of those days?

10 MS. TANTAROS: I am available on the 17th, your Honor.

11 THE COURT: We'll set it for the 17th for your
12 convenience. I may be finishing up a trial. I will put aside
13 some time. We'll schedule you first at 9:30 so we can address
14 any issues that have to be addressed and I won't have to take a
15 lot of your time. April 17th, Tuesday, at 9:30.

16 I think I have addressed all the issues that were
17 submitted to me. Is there anything from the defendant,
18 anything else that needs to be addressed today?

19 MR. LEVANDER: Nothing I can think of, your Honor.

20 THE COURT: Ms. Tantaros, is there anything you wanted
21 to address or ask about the proceedings?

22 MS. TANTAROS: No, your Honor. I just want to thank
23 you for your time today and for granting my amended complaint.
24 I realize it wasn't legal perfection but given the time
25 restraints I had --

I2f6tanc

1 THE COURT: In this court almost a quarter of our
2 cases are pro se litigants.

3 MS. TANTAROS: That is good to hear.

4 THE COURT: I gave you information about the Pro Se
5 Office. If you need any information with regard to procedures,
6 they can assist you with that.

7 MS. TANTAROS: I diligently read the transcript of the
8 November 30th hearing and was able to see a roadmap of what
9 your Honor was seeking. And the reason for filing pro se,
10 albeit bit a typical, was that I was not presented with an
11 amended complaint from prior counsel as promised.

12 THE COURT: Okay.

13 MS. TANTAROS: Either prior counsel was incapable or
14 unwilling to present your Honor with a full picture of what
15 exactly occurred, which is why I took the reigns and decided to
16 present your Honor with exactly what he was looking for with a
17 more robust complaint and robust forensics and technical data
18 so you have an accurate picture of what exactly occurred.

19 THE COURT: We'll move forward and we'll start from
20 scratch with your new complaint and give them an opportunity to
21 respond to it. I will read the papers as soon as they come in
22 and we'll see where we are on April 17th so that we can move
23 forward efficiently and try to move this case forward in that
24 regard.

25 So April 17th at 9:30. I will see all the parties at

I2f6tanc

1 that time. Have a good day.

2 MR. LEVANDER: Thank you, your Honor.

3 MR. BACHRAH: Thank you, your Honor.

4 MR. DENERSTEIN: Thank you, your Honor.

5 MS. TANTAROS: Thank you.

6 o0o